

Oct. 2. 2003 3:42PM

No. 3374 P. 1/5

LAW OFFICES  
**Knoble & Yoshida, LLC**  
INTELLECTUAL PROPERTY ATTORNEYS

EIGHT PENN CENTER, SUITE 1350  
1628 JOHN F KENNEDY BOULEVARD  
PHILADELPHIA, PENNSYLVANIA 19103

(215) 599-0600  
FAX (215) 599-0601

*Amdt*  
*# 11/B*  
*10/7/03*  
*B Ross*

FACSIMILE COVER SHEET

DATE: October 2, 2003

Please deliver this and the following pages to:

NAME: Examiner Robin Hylton (Group Art Unit 3727)

COMPANY/FIRM: U.S. Patent and Trademark Office

TELECOPIER NO.: 703-872-9302

CLIENT/MATTER NO.: CCK-0057 (Application Serial No. 09/911,052)

SENDER'S NAME: Rebekah L. Mitchell for John L. Knoble, Esq.

NO. OF PAGES: 5  
(including cover sheet)

COVER MESSAGE: Please see the attached Supplemental Amendment.

If transmission is not complete, please call (215) 599-0600

The information contained in this transmission may be privileged and/or confidential. If you are not the intended recipient, any copying or use of the information contained herein is prohibited. If you have received this transmission in error, please notify us immediately by fax or telephone. Thank you.

DOCKET NO.: CCK-0057

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hierzer

Serial No.: 09/911,052

Group Art Unit: 3727

Filed: July 24, 2001

Examiner: Hylton

For: SNAP-HINGE CLOSURE WITH TAMPER EVIDENT LID AND  
METHOD OF MAKING

I, Rebekah L. Mitchell, certify that this paper, along with any document or paper referred to as being attached or enclosed is being facsimile transmitted to the U S Patent and Trademark Office (Fax No 703-872-1320) on the date shown below

On October 2, 2003

  
Rebekah L. Mitchell

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL AMENDMENT

In response to the Office Communication dated September 24, 2003, a clean copy of the claims presented in the last Amendment is provided below with appropriate parenthetical identifiers:

- B1
1. (Currently Amended) A tamper evident snap-hinged closure, comprising:
    - a body portion that is constructed and arranged to be secured to a container;
    - a lid portion;
    - a hinge portion that is attached to said body portion and said lid portion so as to permit said lid portion to be opened from and closed on to said body portion after said closure is first opened; and

- 1 -

OFFICIAL  
RECEIVED  
CENTRAL FAX CENTER

OCT 03 2003

DOCKET NO.: CCK-0057

PATENT

Cont  
B1

at least one tamper evident band mechanically securing said lid portion to said body portion at a position that is distal from said hinge portion, said tamper evident band being unitary at a first location with said body portion and further being unitary at a second location with said lid portion, whereby said closure may not be opened without defeating said tamper evident band, and wherein said tamper evident band is designed to remain attached to at least one of said body portion and said lid portion upon opening of said closure.

2. (Original) A tamper evident hinge type closure according to claim 1, wherein said body portion is constructed and arranged to be screwed on to a container, and wherein said body portion further comprises a tamper evident band that is constructed and arranged to become separated from said body portion when said body portion is unscrewed from the container.
3. (Original) A tamper evident hinge type closure according to claim 1, wherein said hinge portion comprises an articulated hinge that is constructed and arranged to retain said lid portion in a retracted position with respect to said body portion after opening so as to minimize interference with a consumer who is drinking from the container.
4. (Original) A tamper evident hinge type closure according to claim 1, wherein said body portion further comprises a drinking spout that is constructed and arranged to facilitate drinking from the container.
5. (Original) A tamper evident hinge type closure according to claim 1, comprising gripping structure defined on at least one of said body portion and said lid portion for facilitating gripping by a consumer in a direction that is necessary to defeat said tamper evident band during opening.
6. (Original) A tamper evident hinge type closure according to claim 5, wherein said gripping structure comprises a gripping projection that is defined on said lid portion.

DOCKET NO.: CCK-0057

PATENT

Cont  
B1  
7. (Original) A tamper evident hinge type closure according to claim 6, wherein said gripping projection is shaped and sized to be engaged by a single digit of a consumer.

8. (Original) A tamper evident hinge type closure according to claim 7, wherein said gripping projection is shaped and sized to be engaged by a thumb of a consumer.

9. (Original) A tamper evident hinge type closure according to claim 6, wherein said gripping projection is positioned substantially above said tamper evident band so as to place stress on said tamper evident band when lifted.

10. (Original) A tamper evident hinge type closure according to claim 1, wherein said at least one tamper evident band comprises a plurality of tamper evident bands.

11. (Original) A tamper evident hinge type closure according to claim 1, wherein said tamper evident band is fused to said body portion at said first location.

12. (Original) A tamper evident hinge type closure according to claim 11, wherein said tamper evident band is sonically fused to said body portion at said first location.

13. (Original) A tamper evident hinge type closure according to claim 1, wherein said tamper evident band comprises an area of predetermined frangibility at which failure is designed to occur during opening.

Claims 14-20 (Canceled)

21. (New) A tamper evident snap-hinged closure, comprising:

a body portion that is constructed and arranged to be secured to a container, said body portion comprising a drinking spout that is constructed and arranged to facilitate drinking from the container.;

DOCKET NO.: CCK-0057

PATENT

a lid portion;

a hinge portion that is unitary with said body portion and said lid portion so as to permit said lid portion to be opened from and closed on to said body portion in order to selectively open and close said drinking spout after said closure is first opened; and

at least one tamper evident band mechanically securing said lid portion to said body portion at a position that is distal from said hinge portion, said tamper evident band being unitary at a first location with said body portion and further being unitary at a second location with said lid portion, whereby said closure may not be opened without defeating said tamper evident band.

REMARKS

This amendment is submitted in response to the Office Communication requesting a copy of the claims with appropriate parenthetical identifiers. Reconsideration and allowance is respectfully requested in view of the remarks made in the last Amendment.

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, she is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,

John L. Knoble  
Registration No. 32,387

Date: October 2, 2003

KNOBLE & YOSHIDA, LLC  
Eight Penn Center- Suite 1350  
1628 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
(215) 599-0600

RECEIVED  
CENTRAL FAX CENTER

OCT 03 2003

OFFICIAL